

frame 62 and the spring 65.” As described by the specification, means for controlling the rotation of the footplate is clearly defined.

Applicant respectfully traverses the rejections under § 102(e) for anticipation by both Wilkinson and Wilson et al. The Examiner rejected claims 1-2 as anticipated by Wilkinson. The Examiner alleges that Wilkinson teaches a prosthetic foot comprising a frame having a first and second axis, such as the longitudinal axis of portion 76 and a footplate 90. Furthermore, the Examiner contends that a connector 94 is adapted to rotate about the said axis. Applicant respectfully disagrees as Wilkinson discloses a fastener 94, such as a rivet, to secure the footplate 90 to the foot portion 80. Col. 4, lines 16-18. The fastener 94 secures the footplate 90 to the foot portion such that the connector cannot rotate about said axis. *Id.*, Fig. 9. Therefore, Wilkinson does not disclose all the elements of the claimed invention, nor does Wilkinson teach, suggest or disclose, either alone or in combination with any of the prior art, a connector adapted to rotate about the first axis.

The Examiner also rejected claims 1, 3, 10 and 18-19 as being anticipated by Wilson et al. The Examiner asserts that Wilson et al. discloses a prosthetic foot having a frame wherein element 48 has a first and second axis and a connector adapted to rotate about the first axis. In addition, the Examiner contends that Wilson et al. discloses a footplate 12 and means for controlling the rotation.

Applicant again respectfully disagrees with the Examiner. Wilson et al. discloses a connector having elements 16, 30 which rotate about the z axis. Figs. 1, 4; Col. 4, lines 24-27. This z axis is transverse to both axes of the frame claimed by the Applicant. The frame disclosed by Wilson et al. has a first and second axis, but the connector is *not* adapted to rotate about the

first axis of the frame, which is equivalent to the longitudinal y axis of the footplate in Wilson et al., as required by the claimed invention. Instead, the connector "allow[s] rotation only about the horizontal z axis which is transverse to the longitudinal y axis of the foot." *Id.* at 25-27.

Therefore, Wilson et al. expressly discloses that the connector is not rotatable about the first axis of the frame 48, which is the longitudinal axis of the footplate.

In addition, Wilson et al. teaches away from rotation about the first axis of the frame 48, as a damper is provided "to resist rotation about the x and y axes." *Id.* at 30. This damper disclosed by Wilson et al. reduces the amount of wobble along the x and y axes and teaches that the connector should not rotate about either axis. This directly contradicts the claimed invention, that the connector be adapted to provide pure rotation about the first axis of the frame.

Because the prior art does not disclose the same elements as claims 1, 10 and 18 and actually teaches away from the claimed invention, and because there is no suggestion or teaching from the prior art to combine and/or modify the claimed references, Applicant respectfully requests allowance of claims 1, 10 and 18. Furthermore, because each independent claim is allowable, claims 2-3 and 19 are also allowable based upon their dependence on an allowable base claim. Applicant submits that claims 2-3 and 19 are independently patentable because they contain additional limitations not found in the prior art of record.

Applicant respectfully submits that all the claims of the application are in condition for allowance and respectfully requests notice of the same. The undersigned invites the Examiner to call in the event any additional matters or issues need to be addressed for allowance of this application.

U.S.S.N: 09/558,570
Kuiken

Respectfully submitted,

Date: *Nov. 20, 2007*

Docket No.: P1308USA


Michael R. Osterhoff, Reg. No. 46,973
GARDNER, CARTON & DOUGLAS
321 N. Clark Street, Suite 3400
Chicago, Illinois 60610-4795
Tel: 312-644-3000
Fax: 312-644-3381

CH02/22156133.1